

1 CHRISTINE H. LONG, CA STATE BAR No. 199676
2 EILEEN P. KENNEDY, CA STATE BAR No. 204646
3 BERLINER COHEN, LLP
4 TEN ALMADEN BOULEVARD
5 ELEVENTH FLOOR
SAN JOSE, CALIFORNIA 95113-2233
TELEPHONE: (408) 286-5800
FACSIMILE: (408) 998-5388
christine.long@berliner.com
eileen.kennedy@berliner.com

7 ATTORNEYS FOR DEFENDANTS BOBBY A. ALI; RICK
8 ALI¹; M1 COLLISION CARE CENTERS, INC.²; AUTOVEST
COLLISION REPAIRS, INC., DBA AUTOWEST COLLISION³
REPAIRS, INC.; AND AW COLLISION OF SERRAMONTE³

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

12 RAFAEL SANDOVAL, LUIS MARTIN
13 CALIXTO, and ADRIAN RAMIREZ on
behalf of themselves, on behalf of all others
14 similarly situated and in the interest of the
general public.

15 || Plaintiffs,

16 | v.

17 BOBBY A. ALI; RICK ALI, M1 AUTO
18 COLLISIONS CENTERS, INC.; M1
19 COLLISION CARE CENTERS, INC.;
20 AUTOVEST COLLISION REPAIRS, INC.
aka AUTOWEST COLLISION REPAIRS,
INC.; and SERRAMONTE AUTO PLAZA
BODY SHOP, INC..

21 Defendants.

CASE NO. CV 13-03230 EDL

**[PROPOSED] ORDER FOR FURTHER
ANSWERS TO INTERROGATORIES FOR
DECLARATION STATING ALL
RESPONSIVE DOCUMENTS HAVE BEEN
PRODUCED**

Date: January 5, 2016
Time: 9:00 a.m.
Dept.: Courtroom E, 15th Fl.
450 Golden Gate Avenue
San Francisco, CA 94102

Judge: Hon. Elizabeth D. Laporte

23 On January 5, 2016, at 9:00 a.m., Christine Long and Eileen Kennedy, Berliner Cohen LLP,
24 appeared on behalf of Defendants Bobby A. Ali, Rick Ali, M1 Collision Care Centers, Inc., Autovest

²⁶ ¹ Defendants Bobby Ali and Rick Ali were dismissed with prejudice in part by the Court's Order of 7/10/2014.

²⁷ Erroneously sued as “M1 Auto Collisions Centers, Inc.”

³ Erroneously sued as “Serramonte Auto Plaza Body Shop, Inc.”

1 Collision Repairs, Inc., dba Autowest Collision Repairs, Inc., and AW Collision of Serramonte
 2 (collectively “Defendants”) and Tomas Margain of Justice at Work Law Group and Marco Palau of
 3 Mallison & Martinez appeared on behalf of Plaintiffs and Class on Defendants’ Motion to Compel
 4 Further Responses and Production of Documents and Sanctions, which came on for hearing before
 5 the Hon. Elizabeth LaPorte in Courtroom E, located at 450 Golden Gate Avenue, 15th Floor, San
 6 Francisco, California.

7 Good cause having been found therefore, **IT IS HEREBY ORDERED THAT** Defendants’
 8 Motion to Compel Further Responses and Production of Documents and Sanctions under Federal
 9 Rules of Civil Procedure, Rules 37, 26, 33, and 34, and Civil Local Rules 37-2 and 37-4 is
 10 **GRANTED**, in part, as follows:

11 1. Plaintiffs Raphael Sandoval and Luis Martin Calixto shall each provide a declaration
 12 that all responsive documents have been produced or if all documents have not produced, Plaintiffs
 13 shall produce documents in response to the following requests:

- 14 i) Defendants’ Request for Production of Documents—Set Two, to Rafael Sandoval;
- 15 ii) Defendant M-1 Collision Care Centers, Inc.’s Request for Production—Set Three, Luis
 Martin Calixto, Nos. 1-9
- 16 iii) Defendant M-1 Collision Care Centers, Inc.’s Request for Production—Set Three, to
 Raphael Sandoval, Nos. 1-9.

17 Plaintiffs shall serve the declarations or produce any documents responsive to this request no
 18 later than thirty days after this Order.

19 2. Plaintiffs shall provide further responses to the following Special Interrogatories,
 20 specifically to include their theories of recovery for each claim in the Special Interrogatory and the
 21 manner in which they intend to calculate their damages (the legal theory of how to calculate their
 22 damages) for each claim in the Special Interrogatory.

- 23 (a) Luis Martin Calixto’s Response to Defendant M-1 Collision Care Centers, Inc.’s Special
 Interrogatories—Set Three, Nos. 17-18 (FLSA Class); 21-22 (damages for each
 individual claim asserted in the Second Amended Complaint)

- (b) Luis Martin Calixto's Response to Defendant MB Bodyshop of San Francisco's Special Interrogatories—Set Three, Nos. 17-18 (Wage Statement Class); 21-22 (Rest Period Class)
- (c) Rafael Sandoval's Response to Defendant M-1 Collision Care Centers, Inc.'s Special Interrogatories—Set Three, Nos. 17-18 (FLSA Class); 21-22 (damages for each individual claim asserted in the Second Amended Complaint).
- (d) Rafael Sandoval's Response to Defendant MB Bodyshop of San Francisco's Special Interrogatories—Set Three, Nos. 17-18 (Wage Statement Class); 21-22 (Rest Period Class)
- (e) Jaime Barrios' Response to Defendant M-1 Collision Care Centers, Inc.'s Special Interrogatories—Set Two, No. 25 (FLSA Individual)
- (f) Salvador Flores' Response to Defendant M-1 Collision Care Centers, Inc.'s Special Interrogatories—Set Two, No. 25 (FLSA Individual)
- (g) Francisco Javier Lopez Jr.'s Response to Defendant M-1 Collision Care Centers, Inc.'s Special Interrogatories—Set Two, No. 25 (FLSA Individual)
- (h) Manuel Llamas' Response to Defendant M-1 Collision Care Centers, Inc.'s Special Interrogatories—Set Two, No. 25 (FLSA Individual)
- (i) Francisco Javier Lopez's Response to Defendant M-1 Collision Care Centers, Inc.'s Special Interrogatories—Set Two, No. 25 (FLSA Individual)
- (j) Eddy Sifuentes' Response to Defendant M-1 Collision Care Centers, Inc.'s Special Interrogatories—Set Two, No. 25 (FLSA Individual)
- (k) Adrian Ramirez's Response to Defendants' Special Interrogatories—Set Three, Nos. 1-2 (FLSA Class) and 5-6 (damages for each individual claim asserted in the Second Amended Complaint)

Plaintiffs shall serve further responses to the above discovery no later than thirty days after this Order.

3. Plaintiffs Raphael Sandoval and Luis Martin Calixto shall provide further responses to the following Special Interrogatories:

1 • Luis Martin Calixto's Response to Defendant MB Bodyshop of San Francisco's
2 Special Interrogatories—Set Three, No. 25
3 • Rafael Sandoval's Response to Defendant MB Bodyshop of San Francisco's Special
4 Interrogatories—Set Three, No. 25

5 4. As to Defendants' Request for Sanctions, that request is DENIED. All of
6 Defendants' other requests are denied.

7 **IT IS SO ORDERED.**

8 DATED: January 22, 2016

9 
10 _____
11 UNITED STATES DISTRICT COURT JUDGE